

IMPORTANT NOTICE: Courtesy copies of documents you file should NOT be provided to any judge. All communications with the court SHALL ONLY be by document filed with the Clerk of Court. No other briefs or responses (such as supplemental objections, reply briefs etc.) may be filed.

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AUG 17 2010

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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

STEVEN AUBREY BURNETTE,
Plaintiff

CIVIL ACTION
NO. CV06-1396-A

VERSUS

U.S. BUREAU OF PRISONS, et al.,
Defendants

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Burnette filed a "motion to vacate judgment of dismissal" (Doc. 256) signed by Burnette on June 21, 2010 and filed on June 24, 2010, a "motion for settlement conference hearing transcript at government's expense and stay pending disposition" (Doc. 257) signed by Burnette on June 21, 2010 and filed on June 24, 2010, and a "joint/voluntary motion to dismiss" (Doc. 259) signed by defense counsel on June 16, 2010 and by Burnette on June 29, 2010 and filed on July 2, 2010 with a judgment of dismissal to be signed by the district judge.

The parties' joint motion to dismiss (Doc. 259) should be granted and this action dismissed. Since the motion to dismiss was the last pleading signed by Burnette, as well as the last pleading filed, Burnette's other outstanding motions (Docs. 256, 257) should

be denied as moot and dismissed with prejudice.

Conclusion

For the foregoing reasons, IT IS RECOMMENDED that Burnette's "motion to vacate judgment of dismissal" (Doc. 256) and motion for settlement conference hearing transcript at government's expense and stay pending disposition" (Doc. 257) be DENIED AS MOOT AND DISMISSED WITH PREJUDICE.

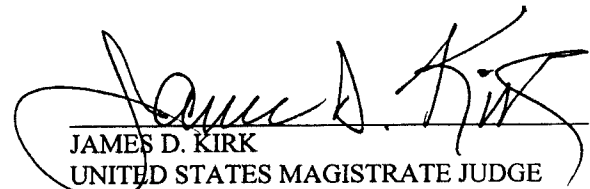
IT IS FURTHER RECOMMENDED that the parties' joint motion to dismiss (Doc. 259) be GRANTED and this action dismissed in its entirety as against all remaining defendants.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the district judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL

FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 17th
day of August, 2010.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE